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S O C I E T Y

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A Crackdown on Leaks

Casey warns the press, but not the leakers

Ronald Reagan once said that he'd had it "up to my keister" with leaks. But the president didn't mention the fact that the ship of state usually leaks from the top—especially in this administration, where senior aides often try to influence policy through disclosures in the media. Should the press be punished for printing what high-ranking officials divulge? CIA Director William Casey seems to think so. Last week, with the apparent backing of the White House, Casey urged the Justice Department to consider prosecuting The Washington Post and NEWSWEEK for reporting sensitive information about Libya. (NEWSWEEK has received no official notice of possible prosecution.) The New York Times, The Washington Times and Time magazine were also attacked for unspecified stories based on leaks.

Casey's latest crackdown on the media was prompted by a story being prepared by The Washington Post on the activities of Ronald Pelton, a former National Security



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Trying to plug the dikes: Casey

Agency employee now awaiting trial for espionage. The CIA director spoke several times recently to the Post's executive editor, Benjamin C. Bradlee, and told him he would recommend prosecution if the Post printed the Pelton article, which details certain NSA intelligence-gathering capabilities. Bradlee says the paper is currently exploring with lawyers whether the Pelton story represents a danger to national security, "which we don't believe it does." He says that Casey's threats to prosecute "seem to be an effort to get, unofficially, an Official Secrets Act," the British law sharply restricting national-security coverage.

Casey's legal tool in what CIA spokesman George Lauder calls the agency's "war" with the press is a little-used 1950 statute that bars publication of "communication intelligence activities of the United States." Stories about communications intelligence might reveal, for example, that the United States had cracked another country's codes. Although the statute has never before been used against major media outlets, Lauder says that damage to intelligence collection has become so serious that the agency may break precedent: "Perhaps it's time to get into the ring—if necessary [go] to the Supreme Court."

But the agency's ire may be misdirected. "They're attacking the symptom rather than the problem," says Sen. Patrick Leahy of Vermont, a member of the Senate Intelligence Committee. "They've got an administration that leaks like a sieve." Some officials, for example, hoped that by leaking details about the Libyan plots in East Berlin and elsewhere, the United States could scare Muammar Kaddafi out of further attacks. In short, the press may be caught in the middle of an intramural dispute.

Feeding information: When an administration is foursquare behind a policy, there are rarely complaints about feeding confidential information to the press. "You'll never see prosecution for leaks of information favorable to an administration," says Leahy. Even the CIA has been known to leak. Late last year, for instance, agency officials boasted around Washington that they had bagged a major Soviet defector, Vitaly Yurchenko. Then, after Yurchenko embarrassed the U.S. government by redefecting to the Soviet Union, the CIA insisted it was not responsible for leaking details about him and blamed congressional committees.

When the administration's Central American initiatives stalled, intelligence was floated about the alleged presence of Soviet MiG fighters and Cuban troops in the region. Sometimes the "authorized leak" comes from the president himself. Republican Sen. David Durenberger, chairman of the Senate Intelligence Committee, complains that Ronald Reagan blithely mentioned classified information about covert aid to Angolan rebels during a photo session.

It is still unclear whether Casey wants to intimidate the press or actually prosecute it. "Our immediate problem is with the Post. We may get around to others later on," says Lauder. If the CIA decides to take a tough line, the news media could face its biggest battle with the government since the Pentagon Papers were published in 1971.

JONATHAN ALTER with RICHARD SANDA in Washington